

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on September 27, 2010 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Examiner mailed the Office Action claims 35-61 were pending. By way of the present response the Applicant has: 1) amended claims 42, 59, 60 and 61; and 2) has not added or canceled any claims. As such claims 35-61 remain pending. The Applicant respectfully requests reconsideration of the instant application and the allowance of claims 35-61.

The Examiner has objected to claims 60 and 61 because of a typographical error which the Applicant has presently cured by way of amendment.

The Examiner has rejected independent claims 42 and 59 under 35 USC 101 as being directed to nonstatutory subject matter. In response the Applicant has amended independent claims 42 and 59 to expressly disavow transitory electromagnetic signaling by itself. As such the Applicant respectfully submits that claims 42 and 59 are unquestionably directed to patentable subject matter.

The Examiner sincerely appreciates the Examiner's offer of allowable subject matter. Looking at the offered subject matter, however, the Applicant is of the opinion that the subject matter contains too many limitations in view of the disclosures of the cited references. The

Applicant looks forward to communicating with Examiner in the future regarding allowable subject matter.

The Examiner has rejected independent claims 35, 42, 49, 56 and 59 under 35 USC 103 as being obvious in view of Ludvig, Beranek and Anderson references. The Applicant notes that each of independent claims 35, 42, and 49 recite:

receiving from said server a third command together with said index, said third command commanding said computer system to retrieve said second image from said cache and render said second image on said display.

and that independent claims 56 and 59 recite:

sending to said computer system a third command together with said index, said third command commanding said computer system to retrieve said second image from said cache and render said second image on said display.

The Applicant notes that in each instance of the limitations above, the Examiner's theory of rejection attempts to meet these limitations with step 258 of Fig. 7 of Beranek.

The above limitations are directed to the sending by a server, of a command and an index to a computing system where the computing system has an image stored in a cache of the computing system, and where the command commands the computer system to retrieve the image from its cache and render it on a display (and where the index identifies the image in the cache).

As such, as an initial threshold, for the Examiner's theory to be correct, the Beranek reference must at least disclose the sending by a server of a command to a computing system

that commands the computing system to retrieve an image stored in a cache of the computing system.

Step 258 of Fig. 7 of Beranek appears to be incapable of disclosing this specific subject matter. As the Applicant understands Fig. 7 of Beranek and its associated discussion including step 258, a web browser requests a web page with a HTTP GET request. The request is intercepted to see if the requested web page resides in a cache. If the web page resides in the cache, the web page is fetched from the cache (step 258) and presumably provided to the web browser.

The deficiencies of the method of Fig. 7 of Beranek should therefore be readily apparent. That is, the method of Fig. 7 of Beranek generally, and step 258 specifically, do not appear to disclose or suggest the sending of a command from a server to a computing system to fetch an image from a cache on the computing system. Fig. 7 of Beranek may disclose the fetching of a web page from a cache but nothing else that is needed to sufficiently meet this limitation.

Therefore the Applicant respectfully requests the allowance of all claims now presented.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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/Robert B. O'Rourke/

Robert B. O'Rourke

Reg. No. 46,972

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300